

## UNITED STATES DISTRICT COURT

for the

Western District of VirginiaCLERK'S OFFICE U.S. DIST. COURT  
AT LYNCHBURG, VAFILED  
for Danville  
MAR 12 2008

United States of America )

v. )

DOMUSIQUEZ Y. TINSLEY )

Case No: 4:03cr70134-005

USM No: 10236-084

Date of Previous Judgment: 5/18/05 )

(Use Date of Last Amended Judgment if Applicable) )

Defendant's Attorney

JOHN F. CORCORAN, CLERK  
BY: *Ferry Coleman*  
DEPUTY CLERK

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 60 months is reduced to 53 months\*.

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31Amended Offense Level: 29Criminal History Category: IIICriminal History Category: IIIPrevious Guideline Range: 135 to 168 monthsAmended Guideline Range: 120 to 135 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.  
☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
☐ Other (explain):

## III. ADDITIONAL COMMENTS

The Government has objected to a reduction based on aspects of Defendant's pre-sentencing conduct. Finding that the pre-sentencing conduct is adequately accounted for under the amended guideline range, and upon consideration of the factors set forth in 18 U.S.C. § 3553(a) and U.S.S.G. § 1B1.10, the Government's objections are overruled and Defendant's sentence is reduced as provided above.

\* Defendant's term of imprisonment is reduced to 53 months, but not less than time served.

Except as provided above, all provisions of the judgment dated 5/18/05 shall remain in effect.

IT IS SO ORDERED.

Order Date: March 12, 2008

*Norman K. Moon*  
Judge's signature

Effective Date: March 22, 2008  
(if different from order date)

Norman K. Moon, United States District Judge  
Printed name and title